

d/f

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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MARY JANE CHUDOMEL,

Plaintiff,

-against-

DYNAMIC RECOVERY SERVICES, INC.,

Defendant.
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NICHOLAS G. GARAUFIS, United States District Judge.

ORDER

12-CV-05365 (NGG) (RLM)

On October 24, 2012, Plaintiff Mary Jane Chudomel filed this action against Defendant Fidelity Information Corporation, alleging violations of the Federal Debt Collection Practices Act ("FDCPA"), 15 U.S.C. § 1692, et seq. (Compl. (Dkt. 1).) On June 7, 2013, Plaintiff moved for default judgment against Defendant. (Mot. Default J. (Dkt. 9).) The court referred this motion to Magistrate Judge Roanne L. Mann for a report and recommendation ("R&R") pursuant to 28 U.S.C. § 636(b)(1)(B) and Federal Rule of Civil Procedure 72(b)(1) to address both liability and damages. (See June 27, 2013, Order (Dkt. 10).) Magistrate Judge Mann ordered Plaintiff to supplement her motion for default judgment, (Dkt. 11), which Plaintiff did on July 11, 2013 (Dkt. 12). On July 29, 2013, Defendant filed a response in opposition to the amended motion for default judgment. (Dkt. 14.) For a time, the parties pursued settlement talks. (R&R (Dkt. 22) at 3-4.) However, these attempts proved unsuccessful, and on August 26, 2013, Defendant's counsel informed the Magistrate Judge by letter that Defendant no longer wished to offer a defense in the matter. (Dkt. 21.)

On September 11, 2013, Judge Mann issued an R&R, recommending that the court grant Plaintiff's motion for default judgment and direct the entry of judgment against Defendant in the

amount of \$4,240.00, representing \$1000 in statutory damages, \$1000 in actual damages, and \$2,240 in attorneys' fees and costs. (See R&R.) The court served the R&R on Defendant.

No party has objected to Judge Mann's R&R, and the time to do so has passed. See Fed. R. Civ. P. 72(b)(2). (See also R&R at 23.) Therefore, the court reviews the R&R for clear error. See Gesualdi v. Mack Excavation & Trailer Serv., Inc., No. 09-CV-2502 (KAM), 2010 WL 985294, at *1 (E.D.N.Y. Mar. 15, 2010); La Torres v. Walker, 216 F. Supp. 2d 157, 159 (S.D.N.Y. 2000); cf. 28 U.S.C. § 636(b)(1). Finding no clear error, the court ADOPTS IN FULL the R&R, see Porter v. Potter, 219 F. App'x 112 (2d Cir. 2007), and as set forth above and in the R&R: Plaintiff's motion for default judgment is GRANTED and judgment shall be entered against Defendant in the amount of \$4,240.00, representing \$1000 in statutory damages, \$1000 in actual damages, and \$2,240 in attorneys' fees and costs. The Clerk of Court is respectfully directed to enter judgment and close the case.

SO ORDERED.

Dated: Brooklyn, New York
November 4, 2013

s/Nicholas G. Garaufis

NICHOLAS G. GARAUFIS
United States District Judge